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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/014,422	01/27/1998	MASAKI IWAMOTO	1344.1001/JD	4490

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EXAMINER

HUYNH, CONG LAC T

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 05/22/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/014,422		Applicant(s) IWAMOTO ET AL.	
Examiner Cong-Lac Huynh		Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19, 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This action is responsive to communications: request for reconsideration filed on 3/3/03 to the application filed on 01/27/98.
2. Claims 1-8, 10-19, 21-26 are pending in the case. Claims 1, 12, 23 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-8, 10-19, 21-26 remain rejected under 35 U.S.C. 103(a) as being unpatentable over *Microsoft Excel 97* (hereinafter referred as Excel 97), Microsoft Corporation, 1997, pages 1-11 in view of Krawchuk et al. (US Pat No. 5,960,437, 9/28/99, filed 10/7/96).

Regarding independent claim 1, Excel 97 discloses (on page 1):

-- the cross tabulation in which the data which is set a range to be displayed is summed up, the *data selected which is extracted from a database is cross summed up* (the sum of East row, West row, North row, South row, and the sum of January, February, March instead of summing from January to December in the database)

-- the cells selected among the cells to constitute the cross tabulation which includes the *data extracted* from a database (the cells in each row or each column)

-- the graph for displaying the data *extracted from a database* within the range, here the range is from A1 to D4 (the graph for corresponding sampled data)

Excel 97 does not disclose explicitly extracting data automatically at random from a database.

Krawchuk discloses extracting data automatically at random from a database

(col 56, lines 7-15, a large relative file can be *simulated*... arranged sequentially by Brick number to *allow random selection within the file*). The *file simulation* and the *random selection within the files* suggest that the selection of data be performed automatically at random without any user intervention. In addition, the selected data is stored in the Bricks or Box and is applied in the spreadsheets (col 67, line 58 to col 68, lines 1-13; col 55, lines 25-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Krawchuk into Excel 97 for *performing operations on the data extracted automatically at random from a database using spreadsheet*.

Regarding claim 2, which is dependent on claim 1, Excel 97 discloses the *selected range* (which is limited) of data that is used to draw the corresponding graph (page 2).

Regarding claim 3, which is dependent on claim 2, Excel 97 discloses the cross tabulation to cross sum the data by:

-- selecting of cells in the row East, selecting the AutoSum icon to sum up the numbers in the cells of the East row (page 3), and repeating for rows West, North and South;

-- selecting of *cells which include data extracted from a database* in the column January, selecting of the AutoSum to sum up the numbers in the cells of the January column (page 4), and repeating for columns February, March, and Total.

Regarding claims 4 and 5, Excel 97 discloses the rearranging of data according to a predetermined condition as "sort descending" by selecting the range A2 to D5 and selecting the Sort Descending icon. The *data changed which is extracted from a database* in the descending order (sequence East-West-North-South now changes to West-South-North-East) is summed up in the cross tabulation (pages 5 and 6).

Regarding claims 6 and 7, Excel 97 discloses the graph for the range selected from A1 to D4, which *includes data extracted from a database* (page 7 and the first graph in page 8). When selecting the new item South, the graph displayed is added the data for South (page 8, the second graph).

Regarding claim 8, the data analyzed is a collection of a number of data items *extracted from a database* (page 9, the highlighted data).

Regarding claims 10-11, Excel 97 discloses the graph of extracted data in which data item displayed as an axis based on the data record (page 11; page 10; page 8, the first graph).

Claims 12, 14-19, 21-22 are mediums for the apparatus of claims 1-11, and are rejected under the same rationale.

Claims 23-26 include the limitations of claims 1, 2, 4, and 6 respectively, and are rejected under the same rationale.

Response to Arguments

5. Applicant's arguments filed 3/3/03 have been fully considered but they are not persuasive.

Applicants argue that Krawchuk does not disclose "extracting data automatically at random" where the claim term "at random" means "randomly" or "disorderly" since the system of Krawchuk relates to a database, and the quote wording "to allow random selection within the file" (col 56, lines 7-15) is directed to random direct access, not the claim feature of "extracting data automatically at random" as set forth in claim 1 (also in claims 12 and 23)(Remarks, pages 2-3).

Examiner respectfully disagrees.

Krawchuk discloses "to allow **random selection** within a file" (col 56, lines 7-15), where the selection implies that the data is selected for performing some function applied for spreadsheets application (col 67, line 58 to col 68, lines 1-13; col 55, lines 25-30) as mentioned in the claim rejection above. Therefore, the data selection here is not only for a direct access as argued by Applicants but also for an access to retrieve said data for carrying out some function on said data in spreadsheet. Since the data is selected at random, the data is extracted at random accordingly.

Claim 1 states that "extracting data automatically at random from a database."

Applicants admit that the system of Krawchuk relates to a database. Therefore, it is clear that Krawchuk discloses the claimed limitation.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

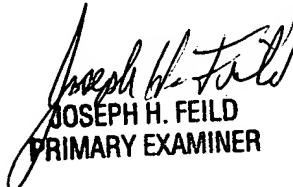
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 707-746-7238 for After Final communications.

Art Unit: 2178

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh
5/15/03


JOSEPH H. FEILD
PRIMARY EXAMINER